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SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

PHONE (202) 225-4400

<https://coronavirus.house.gov>

May 13, 2020

The Honorable James E. Clyburn
Chairman
Select Subcommittee on the Coronavirus Crisis
Committee on Oversight and Reform
Washington, DC 20515

Dear Chairman Clyburn:

For over three years, Democrats in the House of Representatives have been singularly obsessed with attacking President Donald Trump searching for ways to undermine his Administration for political gain. Even after the partisan impeachment witch hunt was discredited amidst disproven allegations of Russian collusion and a Ukrainian *quid pro quo*, rather than pulling together to steer our country through the novel coronavirus epidemic, the harassment of the President continues. We write to ensure Speaker Pelosi's Select Subcommittee on the Coronavirus Crisis will be operated in a fair manner that focuses on the health and safety of the American people and restoration of our economy, instead of pursuing the selfish political prospects of the Democrat Party. Unfortunately, the first actions of the Select Subcommittee suggest no inclination to give the minority a real voice in the Select Subcommittee's proceedings.

On April 2, 2020, while the Trump Administration continued to work tirelessly to fight the coronavirus epidemic, Speaker Pelosi announced the creation of a select panel to investigate the crisis.¹ According to Speaker Pelosi, this select panel was needed "to examine all aspects of the federal response to the coronavirus and ensure the taxpayers' dollars are being wisely and efficiently spent."²

On April 23, 2020, in a completely partisan vote, House Democrats approved the creation of Speaker Pelosi's Select Subcommittee.³ Republicans were unified in opposing the creation of this select panel because it is a redundant misuse of taxpayer dollars to pursue a political agenda. Eight separate standing committees and other entities already exist to provide oversight of the coronavirus response:

¹ Press Release, Speaker Pelosi, Dear Colleague to All Members Announcing House Select Committee on the Coronavirus Crisis (Apr. 2, 2020).

² Juliegrace Brufke, *Top GOP lawmakers push back on need for special oversight committee for coronavirus aid*, The Hill, Apr. 2, 2020.

³ H. Res. 938, 116th Cong. (2020) (adopting H. Res. 935).

- ***House Committee on Oversight and Reform.*** Under House Rules, the House Oversight and Reform Committee has jurisdictional authority to investigate “any matter” at “any time,” which would include a whole-of-government review of the coronavirus response.⁴
- ***Other House Committees.*** The House committees with legislative jurisdiction over the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) may conduct oversight of the legislation’s implementation.
- ***Congressional Oversight Commission.*** The CARES Act created a special Congressional Oversight Commission—a five-member bipartisan commission that is tasked with conducting oversight over the Department of the Treasury and the Board of Governors for the Federal Reserve System’s application of the CARES Act.⁵
- ***Pandemic Response Accountability Committee.*** The CARES Act created a Pandemic Response Accountability Committee within the Council on the Inspectors General on Integrity and Efficiency (CIGIE) to provide oversight from within the Executive Branch.⁶
- ***Inspectors General.*** The statutory inspectors general from the federal agencies also have the ability to conduct audits and investigations related to the pandemic response.
- ***Special Inspector General for Pandemic Recovery.*** The CARES Act also established a Special Inspector General for Pandemic Recovery (SIGPR) within the Treasury Department to oversee loans, loan guarantees, and other federal investments.⁷
- ***Government Accountability Office (GAO).*** Under the CARES Act, GAO received an additional \$20 million in funding, which it plans to spend on hiring auditors and experts to aid in the Office’s work related to the federal government’s coronavirus response.
- ***Department of Justice and Federal Trade Commission.*** The Department of Justice and the Federal Trade Commission are looking into fraudulent activity during the pandemic.

With all these existing oversight resources, there is simply no compelling good-government need for Speaker Pelosi’s select panel. But the words and actions of leading Democrats in the House lay bare the real motivations for this select panel: partisan politics. A

⁴ H. Rule X.

⁵ Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, §4020.

⁶ *Id.* at §15010.

⁷ *Id.* at §4018.

Democrat colleague candidly described much-needed financial assistance to American small businesses as mere “leverage” for Democrats’ true progressive priorities.⁸ And Speaker Pelosi, in response to common-sense relief efforts, pushed unrelated left-wing priorities such as the Green New Deal, mail-in voting, and union bailouts.⁹

We hope the Select Subcommittee’s first act is not indicative of a pattern of unilaterally using the authorities of the Select Subcommittee without bipartisan consensus. On May 8, 2020, just one day after Republicans were appointed to the Select Subcommittee and with no substantive consultation with Republicans, the Select Subcommittee issued threatening and accusatory letters to five American companies attempting to publicly bully them into returning federal loans they need to keep thousands of workers on their payrolls so their families do not have to face the hardship and uncertainty of unemployment. Then, on the afternoon of May 11, 2020, we learned the Select Subcommittee planned to hold a remote hearing-type of event on May 13, including a panel of witnesses that were only selected by the majority.

From what we understand about this remote event, it appears to be a hearing of the Select Subcommittee in all but name and location. The lack of meaningful notice to Republicans and the failure to allow Republicans to invite witnesses highlights the partisan nature of the Select Subcommittee. If such swift action was necessary, then it would stand to reason that this briefing would warrant the Select Subcommittee convening in-person, in Washington, D.C. As demonstrated by the prior meeting of the House Rules Committee, certain hearing rooms allow for adequate social distancing coupled with technology and phased question and answer periods. Unlike the Senate and its committees, the People’s House continues to work remotely, and multi-trillion-dollar bills are being written in secret, without the scrutiny and transparency that our constituents expect and deserve from us. Republicans call on you and your colleagues in leadership to bring the House back to work. Millions of Americans are already showing back up for work, and they should expect no less from their representatives in congress.

In light of these facts, it seems clear that Speaker Pelosi’s Select Subcommittee will continue the persistent partisan attacks on President Trump in an attempt to help affect the outcome of the 2020 election. We therefore ask you for a firm commitment, publicly and in writing, that Democrats will not use the Select Subcommittee on the Coronavirus Crisis for any partisan political ends. In addition, to help guarantee that the Select Subcommittee is not misused for political purposes, we ask that you formally adopt the following procedural and substantive safeguards:

1. To reduce the potential for wasted taxpayer dollars, the Select Subcommittee will be the exclusive committee in the House with oversight jurisdiction of coronavirus-related issues.

⁸ Shail Kapur, *Ocasio-Cortez, House progressives criticize interim coronavirus bill*, NBC News, Apr. 20, 2020.

⁹ Press Release, Speaker Pelosi, Pelosi statement ahead of unveiling of Democrats’ third coronavirus response bill (Mar. 23, 2020); Alayna Treene, *Pelosi unveils \$2.5 trillion counterproposal to GOP coronavirus stimulus*, Axios, Mar. 23, 2020.

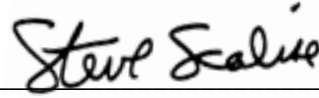
2. The Select Subcommittee will formally adopt additional rules for its oversight to ensure a responsible and fair fact-finding process, including the ability for any member to appeal a one-sided Subcommittee vote to its parent committee, the Committee on Oversight and Reform.
3. The Select Subcommittee will not issue any subpoenas without the Ranking Member's concurrence. Short of this commitment, we ask that you commit that you will allow a vote on all subpoenas to which the Ranking Member objects, as is the current practice of the Committee on Oversight and Reform and other House Committees.
4. The Select Subcommittee will ensure that the majority and minority select an equal number of witnesses at all Subcommittee proceedings and that the minority is afforded time equal to that of the majority for questioning of all witnesses in any setting.
5. The Select Subcommittee will provide drafts of all reports, memoranda, or any other publicly released work product to all members at least two days in advance their public release.
6. The Select Subcommittee will convene a business meeting to debate and vote on all interim or final reports.
7. The Select Subcommittee will not conduct its business behind closed doors or in any sensitive compartmented information facility, but instead do its work publicly and in-person to ensure complete transparency and accountability.
8. As the Select Subcommittee is barred from considering legislation by section 3(c) of H. Res. 935, the Subcommittee will issue a clear and concise statement of legitimate legislative purpose for each request for documents, depositions, interrogatories, briefings and interviews.
9. The Select Subcommittee will examine the actions and inactions of the World Health Organization and the People's Republic of China as they relate to the coronavirus epidemic.
10. The Select Subcommittee will examine what actions the U.S. House of Representatives could have taken between December 2018 and the present to prepare for the potential for an epidemic.

These are reasonable requests to protect the fundamental rights of the minority and maintain the focus of the Subcommittee on helping our country come back from the shutdown related to this unprecedented pandemic. At a time of national crisis, we should come together to work on behalf of the American people. If the majority agrees to abandon the Democrats' relentless political attacks on President Trump, we are hopeful that we may work together in a constructive manner. We look forward to your prompt reply.

The Honorable James E. Clyburn
May 13, 2020
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Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Steve Scalise". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Rep. Steve Scalise
Ranking Member

cc: The Honorable Nancy Pelosi
Speaker of the House

The Honorable Kevin McCarthy
Republican Leader